

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 15-09**

A RESOLUTION TO AMEND RESOLUTION NO. 14-46, LEGAL DESCRIPTIONS AND DEPICTIONS, AND TO DECLARE THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF CONSTRUCTING STREET AND OTHER IMPROVEMENTS ALONG SW WALNUT STREET FROM 116TH AVENUE TO TIEDEMAN AVENUE AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY

WHEREAS, the City of Tigard Charter grants the City of Tigard ("City") authority to acquire interest in land for public purposes; and

WHEREAS, the City is authorized by ORS 223.005 et seq. and ORS 35.015 et seq. to purchase, acquire, take, use, enter upon and appropriate land and property within or without its corporate limits for the purposes provided in those statutes; and

WHEREAS, the construction of Walnut Street, 116th Avenue to Tiedeman Avenue, is an approved capital improvement project identified in the City of Tigard Capital Improvement Plan (the "Project"); and

WHEREAS, the City has determined that the acquisition of rights of way and/or temporary construction easements on certain properties is necessary and will be used for the location, installation, replacement and repair of the needed city sidewalk, street improvements and a stormwater treatment and detention facility; and

WHEREAS, on April 9, 2013 the City and Washington County ("County") executed an Intergovernmental Agreement (IGA) whereby City has delegated authority to County, on behalf of the City, to take all necessary and appropriate actions to construct this Project for the health, safety, benefit, and general welfare of the public by addressing maintenance and flooding issues in the area, including acquisition of necessary property and property interests by eminent domain; and

WHEREAS, Resolution of Necessity No.14-18 adopted on April 22, 2014, declared the need to acquire property for this Project; and

WHEREAS, Resolution No. 14-46, adopted on October 28, 2014, amended Resolution No. 14-18; and

WHEREAS, the City Council has determined that it is in the public interest to revise the project design, and this revision changes Exhibits A and B for Property No. 20 in Resolution No. 14-46; and

WHEREAS, the legal descriptions and depictions for Property No. 20 have been revised accordingly.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

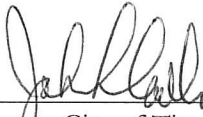
SECTION 1: Resolution No. 14-46 is hereby amended as follows: Exhibits A and B for Property No. 20 are replaced in their entirety by the legal descriptions and depictions attached and incorporated to this resolution as Exhibits A and B for Property No. 20.

SECTION 2: Except as amended herein, Resolution No. 14-46 and Resolution of Necessity No. 14-18 remain in full force and effect.

RESOLUTION NO. 15-09

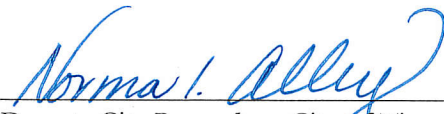
SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 24th day of March, 2015.



Mayor - City of Tigard

ATTEST:



Deputy City Recorder - City of Tigard

EXHIBIT "A"

S.W. Walnut Street
(S.W. 116th Ave. to Tiedeman Ave.)
January 13, 2015
Parcels 1, 2, 3 and 4

County Road Project No.: 100187
File No.: 020
Assessors Map: 2S103AB
Tax Lot No.: 00100

PARCEL 1 (PERMANENT SLOPE AND UTILITY EASEMENT)

A parcel of land lying in the Northeast one-quarter of Section 3, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, Oregon and being a portion of that tract of land conveyed to Tigard-Tualatin School District 23J, by Statutory Bargain and Sale Deed, recorded December 10, 2010 in Document No. 2010-099760, Washington County Book of Records, the said parcel also being all that portion of said property lying Southerly of a line delineated by following the below noted stations and offsets, Northerly of the centerline of realigned S.W. Walnut Street, as said centerline is described below.

S.W. WALNUT STREET CENTERLINE

A road centerline situated in Section 3, Township 2 South, Range 1 West, of the Willamette Meridian in Washington County, Oregon, and being more particularly described as follows:

Beginning at a point on line known as Station 10+00.00 (feet) of said re-aligned S.W. Walnut Street; from Whence a 5/8" iron rod with yellow plastic cap stamped "DEA Inc." in a monument box bears South 78°25'39" West a distance of 785.68 feet, as said iron rod is shown on Survey No. 29,259 as Station 2+14.32 (feet); Thence North 78°25'39" East a distance of 939.10 feet to a Point of Curvature shown on Survey No. 29,259 as Station 19+39.10 PC (feet); Thence along a 415.00 foot radius curve to the right, through a central angle of 10°35'36", an arc distance of 76.73 feet, subtended by a chord of North 83°43'27" East a distance of 76.62 feet a Point of Tangency at Station 20+15.83 PT (feet); Thence North 89°01'15" East a distance of 1376.62 feet to a Point of Curvature shown on Survey No. 29,259 as Station 33+92.45 PC (feet); Thence along a 275.00 foot radius curve to the right, through a central angle of 49°17'05", an arc distance of 236.55 feet, subtended by a chord of South 66°20'13" East a distance of 229.32 feet to a Point of Tangency at Station 36+29.00 PT (feet); Thence South 41°41'40" East a distance of 79.91 feet to the centerline Intersection of S.W. Walnut Street and S.W. Tiedeman Street, said Intersection being shown on Survey No. 29,259 as Station 37+08.91 (feet), the Point of Termination of this description.

Bearings are based upon Survey Number 29259, Washington County Survey Records.

Station to Station	Offset Distances Northerly of S.W. Walnut Street Centerline
23+33.00 to 24+31.00	31.00 feet along a straight line to 33.50 feet

Excepting therefrom, all that portion of said parcel lying within the permanent utility, slope, and drainage easement recorded in Document No. 2005-052005, Washington County Records and all that portion of said parcel lying within the existing right-of-way of S.W. Walnut Street.

The parcel of land to which this description applies contains 216 square feet, more or less.

PARCEL 2 (PERMANENT DRAINAGE EASEMENT)

A parcel of land lying in the Northeast one-quarter of Section 3, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, Oregon and being a portion of that tract of land conveyed to Tigard-Tualatin School District 23J, by Statutory Bargain and Sale Deed, recorded December 10, 2010 in Document No. 2010-099760, Washington County Book of Records, the said parcel also being all that portion of said property lying Southerly of a line delineated by following the below noted stations and offsets, Northerly of the centerline of realigned S.W. Walnut Street, as said centerline is described below.

Station to Station	Offset Distances Northerly of S.W. Walnut Street Centerline
22+52.00 to 22+65.00	89.00 feet along a straight line to 130.00 feet
22+65.00 to 23+09.00	130.00 feet along a straight line to 185.00 feet
23+09.00 to 23+26.00	213.00 feet along a straight line to 226.00 feet
23+26.00 to 23+36.00	226.00 feet along a straight line to 210.00 feet
23+36.00 to 22+46.00	210.00 feet along a straight line to 193.00 feet

Excepting therefrom, all that portion of land lying within the following described metes and bounds description. Beginning at a point lying 42.00 feet Northerly of the centerline of realigned S.W. Walnut Street at Station 22+46.00; Thence North 04°53'46" West, 146.34 feet; Thence North 62°26'00" West, 11.18 feet; Thence South 00°51'45" West, 151.00 feet to the point of beginning.

Further Excepting therefrom, all that portion of said parcel lying within the permanent slope and utility easement and the permanent utility, slope and drainage easement recorded in

Document No. 2005-052005, Washington County Records and all that portion of said parcel lying within the existing right-of-way of S.W. Walnut Street.

The parcel of land to which this description applies contains 12,187 square feet, more or less.

PARCEL 3 (PERMANENT INGRESS AND EGRESS EASEMENT)

A parcel of land lying in the Northeast one-quarter of Section 3, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, Oregon and being a portion of that tract of land conveyed to Tigard-Tualatin School District 23J, by Statutory Bargain and Sale Deed, recorded December 10, 2010 in Document No. 2010-099760, Washington County Book of Records, the said parcel also being more particularly described below.

Beginning at a point lying 35.50 feet Northerly of the centerline of realigned S.W. Walnut Street at station 26+27.00; Thence North 00°58'45" West, 115.50 feet to the beginning of a tangent 79.70 foot radius curve concave Southeasterly; Thence on said curve through a central angle of 45°39'43" (the long chord of which bears North 21°51'06" West, 61.85 feet) an arc distance of 52.71 feet; Thence North 23°12'34" West, 23.77 feet; Thence South 89°24'42" West, 147.00 feet; Thence North 00°58'45" East, 46.99 feet; Thence South 89°01'36" West, 29.00 feet; Thence South 46°51'20" West, 71.50 feet; Thence South 00°58'45" East, 23.00 feet; Thence South 58°46'16" West, 20.84 feet; Thence North 56°00'14" West; Thence South 66°38'47" West, 36.77 feet; Thence North 31°11'45" West, 19.86 feet to a point lying 210.00 feet northerly of said centerline at Station 23+36.00; Thence North 60°40'04" East, 67.04 feet; Thence North 47°27'55" East, 88.19 feet; Thence North 89°17'45" East, 208.01 feet; Thence South 00°58'45" East, 102.50 feet to the beginning of a tangent 59.38 foot radius curve concave Southeasterly; Thence on said curve through a central angle of 50°51'21" (the long chord of which bears South 24°35'06" West, 51.00 feet; Thence South 00°58'45" East, 115.50 feet; Thence South 89°02'03" West, 20.00 feet to the point of beginning.

Excepting therefrom, the following described parcel. Beginning at a point lying 246.00 feet Northerly of said centerline at Station 25+10.00; Thence North 00°58'45" West, 39.00 feet; Thence North 89°25'07" East, 144.00 feet to a point lying 286.00 feet northerly of said centerline at Station 26+27.00; Thence South 00°58'45" East, 39.00 feet; Thence South 89°25'07" West, 144.00 feet to the point of beginning.

The parcel of land to which this description applies contains 15,006 square feet, more or less.

PARCEL 4 (TEMPORARY CONSTRUCTION EASEMENT)

A parcel of land lying in the Northeast one-quarter of Section 3, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, Oregon and being a portion of that tract of land conveyed to Tigard-Tualatin School District 23J, by Statutory Bargain and Sale Deed, recorded December 10, 2010 in Document No. 2010-099760,

Washington County Book of Records, the said parcel also being all that portion of said property lying Southerly of a line delineated by following the below noted stations and offsets, Northerly of the centerline of realigned S.W. Walnut Street, as said centerline is described below.

Station to Station	Offset Distances Northerly of S.W. Walnut Street Centerline
26+10.00 to 26+55.00	125.00 feet parallel with the centerline
26+98.00 to 27+15.00	68.00 feet parallel with the centerline

Excepting therefrom, all that portion of said parcel lying within the temporary construction easement as shown on exhibit map B and the permanent utility, slope and drainage easement recorded in Document No. 2005-052005, Washington County Records and all that portion of said parcel lying within the existing right-of-way of S.W. Walnut Street.

The parcel of land to which this description applies contains 4,040 square feet, more or less.

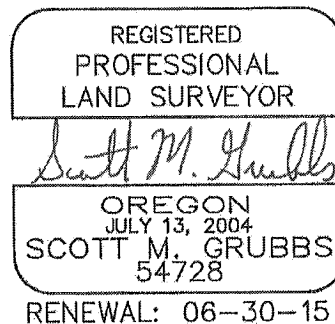
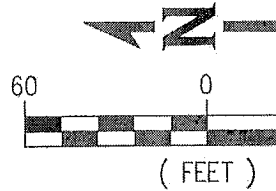
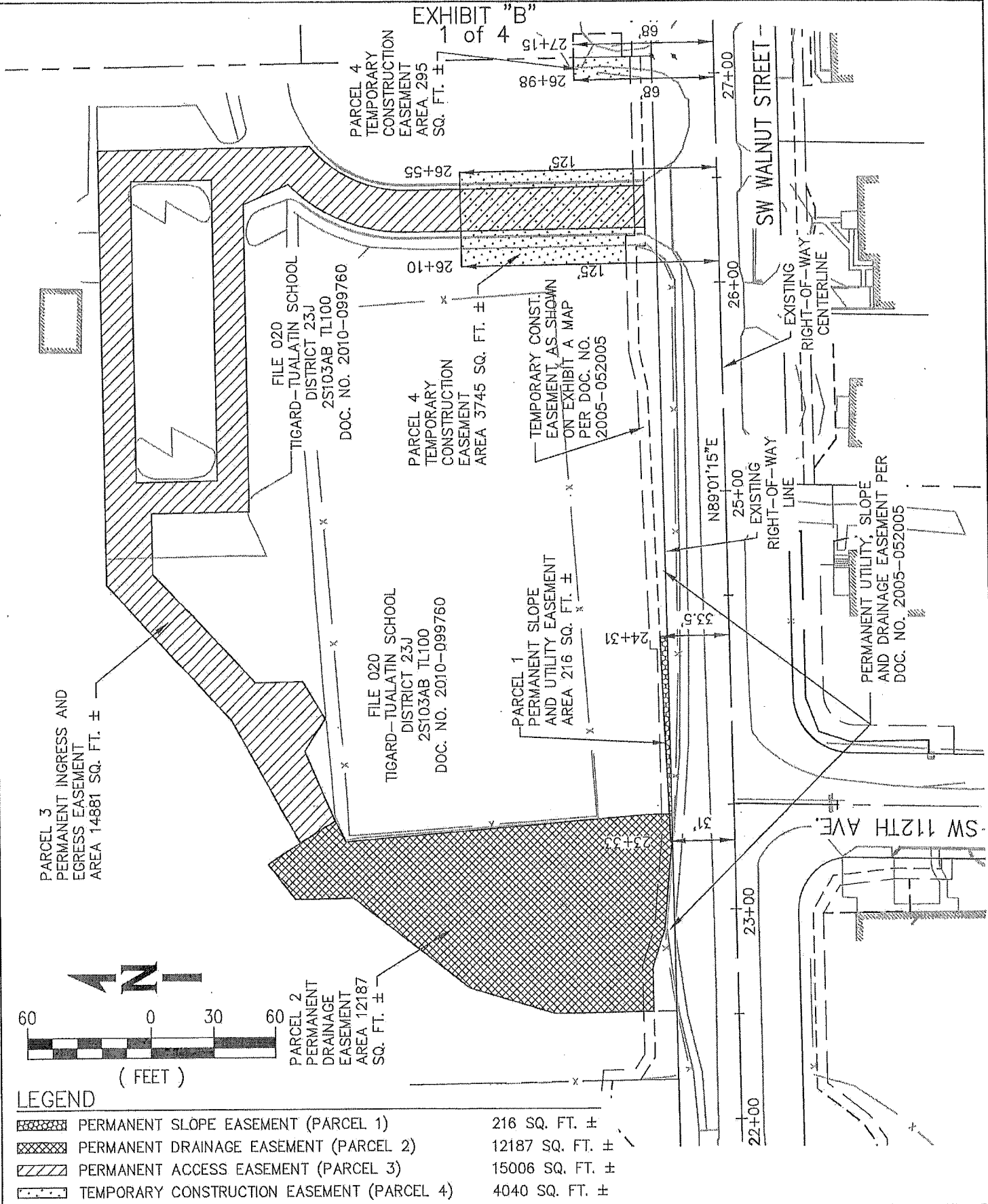


EXHIBIT "B" 1 of 4



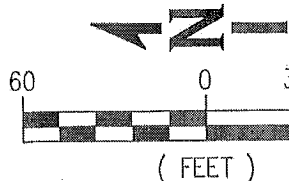
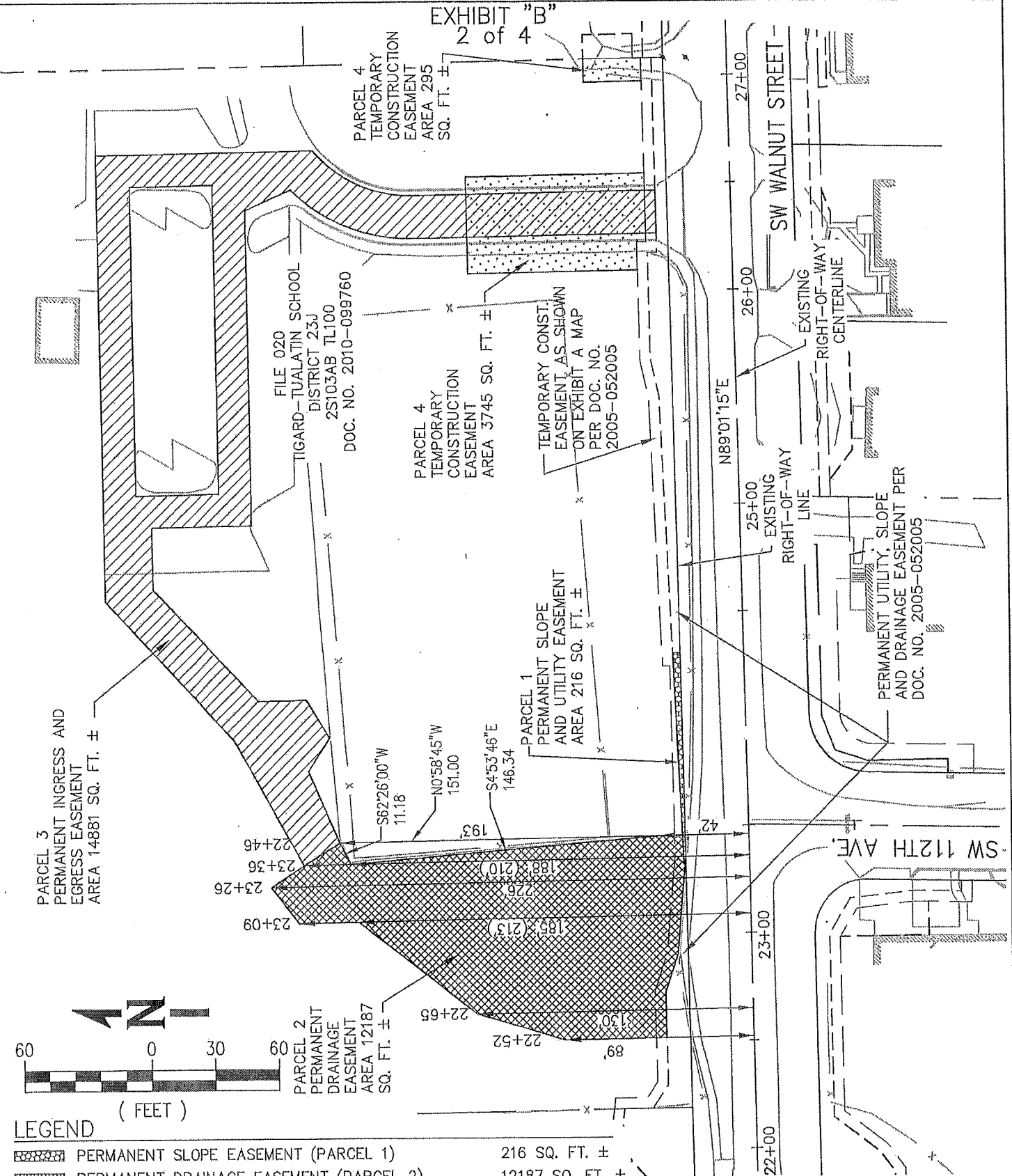
LEGEND

	PERMANENT SLOPE EASEMENT (PARCEL 1)	216 SQ. FT. ±
	PERMANENT DRAINAGE EASEMENT (PARCEL 2)	12187 SQ. FT. ±
	PERMANENT ACCESS EASEMENT (PARCEL 3)	15006 SQ. FT. ±
	TEMPORARY CONSTRUCTION EASEMENT (PARCEL 4)	4040 SQ. FT. ±

FILE NO.: 020	SW WALNUT STREET (SW 116th-Tiedeman Avenue and SW 135th Avenue) WASHINGTON COUNTY PROJECT NO. 100187	SUBMITTAL DATE: 01/14/15	WHPacific <small>9755 SW Barnes Rd, Suite 300 Portland, OR 97225 503-626-0185 Fax 503-528-0715 www.wheelerPacific.com </small>
TAX LOT: 100		REVISED DATE:	
TAX MAP: 2S103AB		REVISED DATE:	
ADDRESS: 11095 SW WALNUT ST.		REVISED DATE:	
		DWG: 037633-V-EX20.dwg	

EXHIBIT "B"

2 of 4



LEGEND

PERMANENT SLOPE EASEMENT (PARCEL 1)	216 SQ. FT. ±
PERMANENT DRAINAGE EASEMENT (PARCEL 2)	12187 SQ. FT. ±
PERMANENT ACCESS EASEMENT (PARCEL 3)	15006 SQ. FT. ±
TEMPORARY CONSTRUCTION EASEMENT (PARCEL 4)	4040 SQ. FT. ±

FILE NO.: 020
TAX LOT: 100
TAX MAP: 2S103AB
ADDRESS: 11095 SW WALNUT ST.

SW WALNUT STREET
 (SW 116th-Tiedeman Avenue
 and SW 135th Avenue)
 WASHINGTON COUNTY PROJECT NO. 100187

SUBMITTAL DATE: 01/14/15
REVISED DATE:
REVISED DATE:
REVISED DATE:

WHPacific
 9155 SW Barrow Rd. Suite 200
 Portland, OR 97225
 503-626-5165 Fax 503-626-0775
 www.whpacific.com
 DWG: 037633-V-EX20.dwg

EXHIBIT "B"
4 of 4

PARCEL LINE TABLE		
LINE	LENGTH	BEARING
L1	115.50	N0°58'45"W
L2	23.77	N23°12'34"W
L3	147.00	S89°24'42"W
L4	46.99	N0°58'45"W
L5	29.00	S89°01'36"W
L6	71.50	S46°51'20"W
L7	23.00	S0°58'45"E
L8	20.84	S58°46'16"W
L9	18.31	N56°00'14"W
L10	36.77	S66°38'47"W
L11	19.86	N31°11'45"W
L12	67.04	N60°40'04"E
L13	88.19	N47°27'55"E
L14	208.01	N89°17'45"E
L15	102.50	S0°58'45"E
L16	115.50	S0°58'45"E
L17	20.00	S89°02'03"W

PARCEL CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING
C1	45°39'43"	79.70	63.52	61.85	N21° 51' 06"E
C2	50°51'21"	59.38	52.71	51.00	S24° 35' 06"W

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